



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(June 28, 2016 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/DS-16-19 (Kurt Schwarze)
Staff: Charles Russell
Applicant: Kurt Schwarze
Property Size: 13,327 square feet
Current Zoning: RS2 (Residential: Single-Family 2)
Location: 2644 Chestnut Street, in the City of Columbus

Background Summary:

The applicant is requesting to build two storage sheds at the end of his driveway 2 feet from the rear property line. The RS2 (Residential: Single-Family 2) zoning district requires a setback of 5 feet from the rear property line.

Preliminary Staff Recommendation:

Denial – Criteria #3 has not been met.

Zoning Ordinance Considerations:

District Intent: The intent of the RS2 (Residential: Single-Family 2) zoning district is as follows: Is intended to provide areas for moderate density single-family residences in areas with compatible infrastructure and services. Development should provide convenient access to Collector and Arterial streets, parks and open space, employment, and convenience goods.

Development Standards: Section 3.9 (C): The rear setback shall be 5 feet for an accessory structure.

Current Property Information:	
Land Use:	Single-family residential
Site Features:	A pool is located in the northwest corner of the property.
Flood Hazards:	No mapped flood hazards.
Vehicle Access:	Chestnut Street (Local, Urban, Residential)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	RS2 (Residential: Single-Family 2)	Single-family homes
South:	RS2 (Residential: Single-Family 2)	Single-family homes
East:	RS2 (Residential: Single-Family 2)	Single-family homes
West:	RS2 (Residential: Single-Family 2)	Single-family homes

Interdepartmental Review:	
Code Enforcement:	No issues with this request. Indiana Code allows this setback for tool and storage sheds.

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The applicant is requesting to place two 8’x10’ storage sheds at the end of his driveway. The sheds will be located 2 feet from the rear property line. An 8 foot privacy fence is located on the rear property line. The applicant has indicated the sheds will be able to meet the required 5 foot setback from the side property line.
2. A carport is attached to the rear of the house. It is 28 feet x 31 feet making it capable of storing 2 ½ cars, or other items.
3. The applicant has indicated that the existing driveway slab and a basketball goal set in concrete hinder the ability to meet the required setback at this location on the property. An in-ground pool limits the available space the backyard, and significant drainage issues, according to the applicant, make the remainder of the backyard unsuitable for the sheds.
4. With setback requirements taken into consideration the applicant has roughly 800 square feet available in the backyard to place the sheds and still comply with the ordinance.
5. Section 6.1 (F)(2) permits property owners in the RS2 zoning district to have up to 5 accessory buildings, with no more than two of the same kind. The two proposed sheds would be permitted under this provision.

Provisional Findings of Fact/Decision Criteria:

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Provisional Findings: These sheds will safely and securely store the property owner’s belongings, and will not be a safety hazard for adjacent neighbors. Further, there are no building code issues with the proposed setback. *This criterion has been met.*

2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Provisional Findings: The storage buildings meet the required side setback, and the rear setback of 2 feet still allows for regular maintenance of the sheds and the 8 foot privacy fence. The approval of these sheds will not adversely affect the use or value of the adjacent properties. *This criterion has been met.*

3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

Provisional Findings: The strict application of the zoning ordinance does not result in a practical difficulty in the use of the property. There is roughly 800 square feet available to place the sheds in the back yard. The existing carport provides storage space for typical residential lawn equipment and other items. The swimming pool, which occupies about 1,000 square feet of the backyard represents as self-imposed limitation on backyard use. *This criterion **has not** been met.*

Board of Zoning Appeals Options:

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

Columbus – Bartholomew County Planning Department
Development Standards Variance Application

Planning Department Use Only:

Jurisdiction: Columbus Bartholomew County

Zoning: _____
Docket No.: C/DS-16-19

Hearing Procedure: Board of Zoning Appeals Hearing Officer

RECEIVED
MAY 12 2016
BY: CR

Development Standards Variance Application:

Note: It is recommended that all variance applications are reviewed in a meeting with a Planning Department staff member prior to being filed. Please contact the Planning Department at 812.376.2550 to schedule that review meeting.

Applicant Information (the person or entity that will own and/or execute what is proposed):

Name: KURT SCHWARZE
Address: 2644 Chestnut St Columbus IN 47201
(number) (street) (city) (state) (zip)
Phone No.: 812 764 5456 Fax No.: NA E-mail Address: KURT@4THSTREETBAR.COM

Property Owner Information (the "owner" does not include tenants or contract buyers):

Name: KURT SCHWARZE
Address: 2644 Chestnut St Columbus IN 47201
(number) (street) (city) (state) (zip)
Phone No.: 812 764 5456 Fax No.: NA E-mail Address: KURT@4THSTREETBAR.COM

Notification Information (list the person to whom all correspondence regarding this application should be directed):

Name: KURT SCHWARZE
Address: 2644 Chestnut St Columbus IN 47201
(number) (street) (city) (state) (zip)
Phone No.: 812 764 5456 Fax No.: NA E-mail Address: KURT@4THSTREETBAR.COM

How would you prefer to receive official documentation regarding this request (please check one)? If no or multiple selections are made e-mail will be used. E-mail Fax Mail

Property Information:

Address: 2644 Chestnut St Columbus IN 47201
(number) (street) (city) (state) (zip)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, or attach a legal description):

Variance Requested:

I am requesting a variance from Section 3.9C of the Zoning Ordinance to allow the following:

Location of 2- 8x10 Storage Sheds to be located side by side within the 5' set back from property line. The sheds would be set on a crushed gravel base and would be able to be moved in the future should the need arise to do work in the location.

Variance Request Justification:

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that each must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

The location of the sheds would be on the owners property, separated by the property behind the house by an 8' high privacy fence. The appearance of the storage buildings would blend in with the white privacy fence and not be an eyesore to my neighbor.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

The storage buildings are moveable. They would also set 2' back from the property line (privacy fence) allowing maintenance of the fence itself as well as the ground between the fence and storage buildings.

3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain.

The storage sheds could not be moved forward to meet the 5' set back because of existing concrete pavement and concrete mounted basketball goal. Locating the sheds in the back yard is not an option because of slope and drainage issues. The back yard is frequently very wet from roof drainage and pool deck drainage. We are adding the storage sheds because the property has an open carpet and we have had several occasions of vehicles broken into in driveways in the neighborhood as well as vandalism in garage and carport areas in the neighborhood.

Application Fee Refund Information:

The adopted Planning Department Schedule of Application Fees provides for the refunding of application fees for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval to process the refund and issue the check. Please indicate to whom the refund should be provided:

Name: Kurt Schwarze
Address: 2644 Chestnut St Columbus IN 47201
(number) (street) (city) (state) (zip)

Applicant's Signature:

The information included in and with this application is completely true and correct to the best of my knowledge and belief.

[Signature] 5/10/16
(Applicant's Signature) (Date)

Property Owner's Signature (the "owner" does not include tenants or contract buyers):

I authorize the filing of this application and will allow the Planning Department staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.

[Signature] 5/10/16
(Owner's Signature) (Date)
KURT SCHWARZE
(Owner's Printed Name)

If the person signing as the "owner" is not specifically listed as such in the records of Bartholomew County please indicate their relationship to that officially listed person, corporation or other entity.

Easement Encroachment

This Easement Encroachment is made by the owner or owner's duly authorized representative of real property (the "Owner") located at 2744 Chestnut Street Columbus, IN 47201 (the "Property").

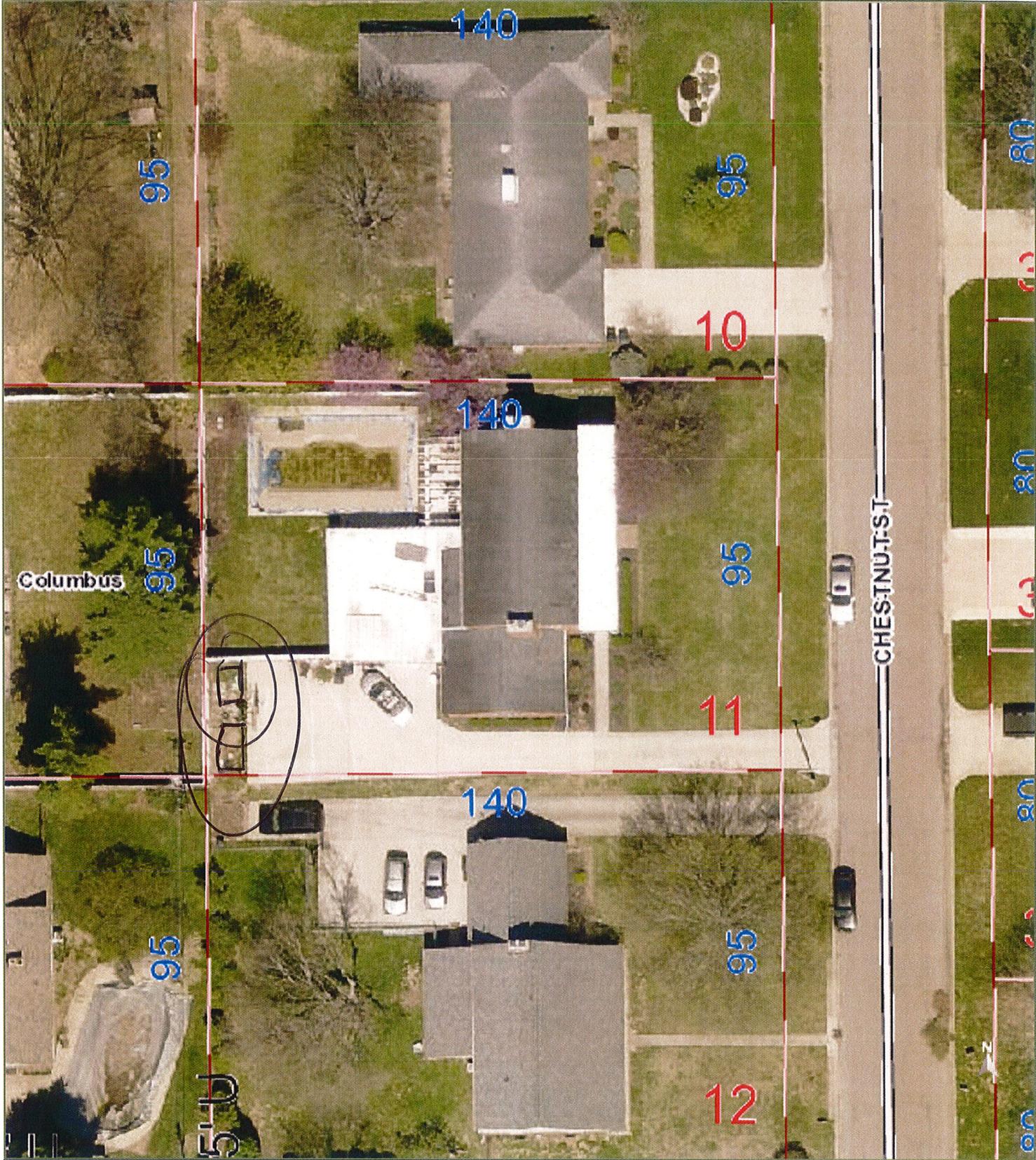
Description of Encroachment:

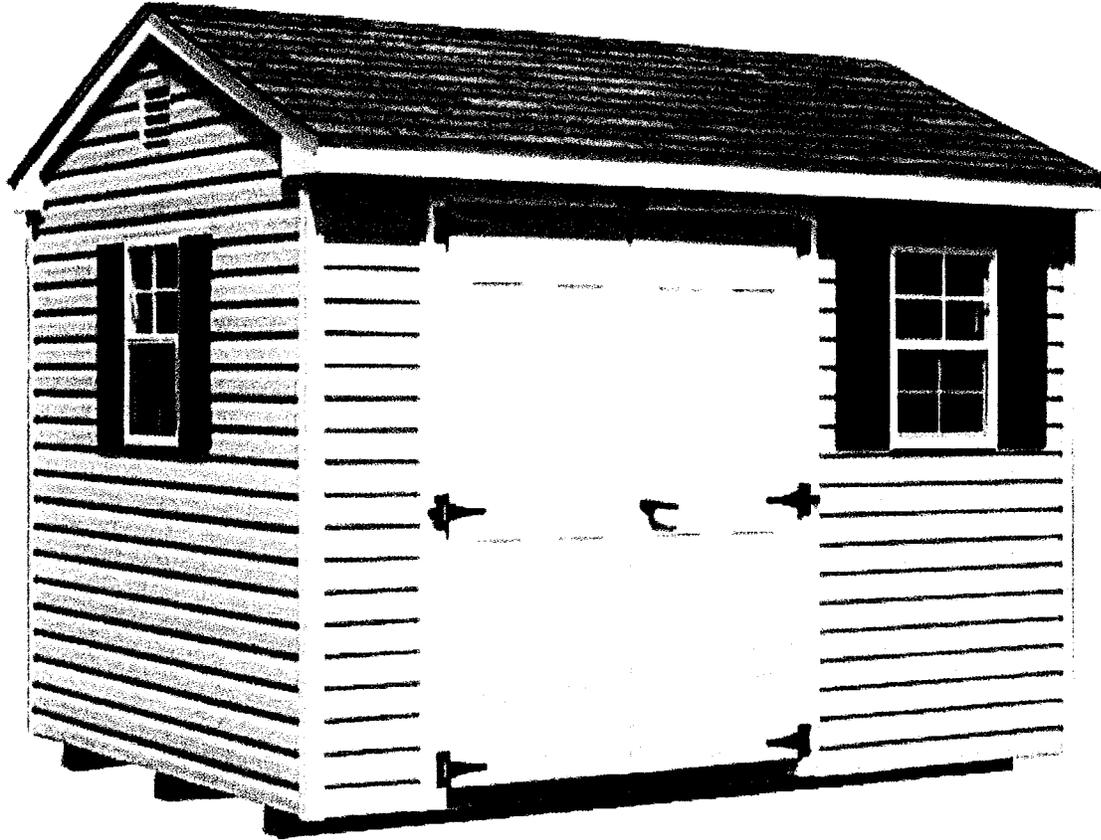
2 - 8x10 white vinyl sheds with standard shingled roof, on 4x10 skids, set on crushed gravel

The Owner agrees as follows:

1. This Encroachment shall run with the land.
2. The Encroachment shall be installed and maintained in a safe, sanitary and attractive condition at the sole cost, risk and responsibility of the Owner and the successors in interest.
3. The Owner shall remove, relocate or restore the Encroachment as directed by the City within twenty (20) calendar days of written notice from the City, or in the case of an emergency, as determined by the City, the City may request that the work be done immediately or within less than the twenty (20) calendar days. If the Owner fails to remove, relocate or restore the Encroachment or otherwise comply with the direction of the City regarding the Encroachment, the City may cause the work to be done, and the costs thereof shall be a lien against the Property.
4. The Owner agrees to restore the effected easement back to its original condition at such time as the Encroachment is removed. Should the Owner fail to restore the easement to its original condition, the City may cause the work to be done, and the costs thereof shall be a lien against the Property.
5. The City's rights and powers as it applies to this easement shall remain in full force and effect even with the acceptance of this Encroachment into the easement. Should the City determine that the easement is needed for any proper use; the City shall have the right to occupy and utilize the easement when needed without obligation to remove, relocate or replace the Encroachment. The City's acceptance of this Encroachment into the easement shall not limit or restrict any use of the easement by utilities.
6. This acceptance of Encroachment into the easement shall be ongoing and shall be reviewable at any time at the discretion of the City.
7. All exhibits and attachments referenced or included herein are incorporated by reference.

Bartholomew County, IN





Representative Picture - 8x10 sheds (2) to be located side by side. White siding with Roof shingles matching house. Double Door in 10' side. No windows in actual sheds. Sheds are built on skids and can be moved in the future by Fork lift.

RECEIPT

COLUMBUS PLAN COMMISSION

No 8945

General FUND

COLUMBUS IN., May 12th 2016

RECEIVED FROM Kurt Schwarze \$ 50.00

THE SUM OF fifty ⁰⁰/₁₀₀ DOLLARS

ON ACCOUNT OF variance request

PAYMENT TYPE & AMOUNT

CASH 50 CHECK M.O.
 E.F.T. C.C./BC OTHER

[Signature]
AUTHORIZED SIGNATURE